IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT APPEAL NO : 872 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/12/2003 in WP No: 6872 OF 2003 on the file of the High Court.)

Between:

1 Sri Ayyappa Stone Depot, Pathebad, R.R.Pet, Eluru,
Rep. by its Manager, Guniesetti Ramana, West Godavari District.
2 Sri Saibaba Stone & Steel Corporation, Pathebad, R.R.Pet, Eluru,
Rep. by its Manager, Guniesetti Ravi, West Godavari District.
3 Sri. Leela Navayuga Steel Corporation, Pathebad, R.R.Pet, Eluru,
Rep. by its Manager, Rayavarapu Subbarao, West Godavari District.

..... APPELLANT(S)

AND

1. The Eluru Municipality, Rep. by its Commissioner,
Eluru, West Godavari District.
2 . The District Collector, West Godavari District at Eluru.

.....RESPONDENT(S)

For the Appellant: MR. SATYANARAYANA NIMMAGADDA

For the Respondent No.1 : MR.DANTU.SRINIVAS

For the Respondent No.2 : The GP for Municipal Admn. & Urban Development

The Court Made the Following :

JUDGMENT: (per Hon'ble the Chief Justice)

Questioning the notice dated 15-3-2003 issued by the 1st respondent calling upon to shift the business being conducted in building materials such as iron, cement, hardware, chips, sand and bricks, to some other place, the appellants filed Writ Petition No.6872 of 2003.

By the impugned order, the said writ petition was disposed of by the learned single Judge after noticing that under Section 289 of the Andhra Pradesh Municipalities Act, 1965, the 1st respondent-Commissioner was empowered to prohibit and regulate sale of articles in residential, public and semi public areas, and inasmuch as carrying on business in chips, sand and bricks in residential areas would cause serious health hazards to the residents, directed the petitioners-appellants herein to shift their business in the above said items within a period of two months from the date of receipt of the copy of the order.

Inasmuch as it was found that the appellants were doing business in prohibited items in public land use zone under the sanctioned Master Plan, which is contrary to GO Ms.NO.312 M.A., dated 25-7-1975 and GO Ms.No.948 M.A., dated 16-11-1978, we do not find any illegality or irregularity in the order passed by the learned single Judge directing to shift the business in chips, sand and bricks while permitting them to continue the business in iron, steel and hardware. The writ appeal is, therefore, dismissed. No costs.

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DEVINDER GUPTA,

CJ

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G. ROHINI,J

Dated: 21-6-2004
Nrg.

To :

1. The Commissioner, Eluru Municipality
   Eluru, West Godavari District.
2. The District Collector, West Godavari District at Eluru.
3. 2 CCs to The GP for Municipal Admn. & Urban
   Development, High Court Buildings, Hyderabad (OUC).
4. 2 CD Copies.